

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOEL PAUL HAMMER, JR.

and

NICHOLAS HAMMER,

Defendants.

Criminal. No. 11-CR-20301 - 02

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(c)

21 U.S.C. § 841(a)(1) & (b)(1)(C)

21 U.S.C. § 846

(M-12-0794-M)

**S U P E R S E D I N G
I N D I C T M E N T**

THE GRAND JURY CHARGES

COUNT ONE

On or about December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, that is, a Remington 870 12 gauge shotgun, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

On or about December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce ammunition, that is, Alexander Arms .50 caliber ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE

On or about December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, that is, an Alexander Arms .50 caliber rifle, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT FOUR

On or about December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, that is, a Springfield Armory .45 caliber semi-automatic pistol, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

Beginning prior to on or about November 24, 2011, and continuing through on or about December 24, 2011, in the Western District of Tennessee and elsewhere, the defendants,

----- **NOEL PAUL HAMMER, JR.** -----
----- **and** -----
----- **NICHOLAS HAMMER** -----

did knowingly and intentionally combine, conspire, confederate, and agree together and with other persons known and unknown to the Grand Jury, to unlawfully possess with the intent to distribute approximately 94 kilograms of marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), all in violation of Title 21, United States Code, Section 846.

COUNT SIX

On or about the December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

did knowingly, intentionally, and unlawfully possess with the intent to distribute approximately 94 kilograms of marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SEVEN

On or about the December 6, 2011, in the Western District of Tennessee, the defendant,

----- **NOEL PAUL HAMMER, JR.** -----

did knowingly use and carry firearms, to wit: an Alexander Arms .50 caliber rifle and a Springfield Armory .45 caliber semi-automatic pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, the drug trafficking crime charged in Count Six of this Indictment, in violation of Title 18, United States Code, Section 924(c).

A TRUE BILL:

FOREPERSON

DATED: _____

EDWARD L. STANTON, III
UNITED STATES ATTORNEY